

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

TERRY T. WATSON,)	ED103245
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	1322-CC00457
)	
STATE OF MISSOURI,)	Honorable Bryan L. Hettenbach
)	
Respondent.)	Filed: October 25, 2016

Terry Watson (Movant) appeals the judgment of the motion court denying his motion for post-conviction relief under Missouri Rule of Criminal Procedure 29.15 without an evidentiary hearing, as well as the motion court's denial of his motion to amend the judgment.

REVERSED AND REMANDED.

Division Four Holds: The motion court did not err in denying Movant's motion to amend the judgment. However, Movant's amended motion alleged unrefuted facts that would, if true, entitle him to relief; thus, the motion court clearly erred in failing to conduct an evidentiary hearing on the claims in Movant's amended motion that his trial counsel misadvised him regarding the elements of robbery and the proof necessary for accomplice liability, resulting in prejudice.

Opinion by: Gary M. Gaertner, Jr., J.
James M. Dowd, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Emmett D. Queener
Attorneys for Respondent: Chris Koster, Shaun J Mackelprang

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
